

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 151 of 1998

Between:

Smt.P.Rukkamma w/o.late Chandraiah
E.M.P.Scheme, Feed & Fodder Technology College of Veterinary

Science, Rajendranagar, Hyderabad

..... PETITIONER

AND

The Registrar Acharya N.G.Ranga Agricultural University
Rajendranagar, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or a writ particularly one in the nature of mandamus declaring that the action of the respondent in not taking into account the initial date of appointment of the petitioner as illegal and direct the respondent to treat the petitioner as appointed - with effect from 01/11/1974 duly ignoring the absence from 13/11/1979 to 30/06/1981 with all consequential benefits as held in WP.No.14493/95.

Counsel for the Petitioner: MR.B.G.RAVINDER REDDY

Counsel for the Respondent: MR. B.SIVA REDDY

The Court made the following :

ORDER:

The only grievance of the petitioner is that she was absent to her duties from 13-11-

1979 to 30-6-1981, while she was working as a casual labour under E.M.P. Scheme, Feed & Fodder Technology, College of Veterinary Sciences Division of the respondent university, Rajendranagar and though, she was allowed to join duty on 1.7.1981, her service from 13-11-1979 to 30-6-1981 was not counted for the purpose of seniority in the cadre of casual labour. Therefore, she filed the present writ petition to direct the respondents to ignore the period of absence and treat that the petitioner was in continuous service from 1-11-1979 and decide her seniority in the cadre of casual labour. It is also stated that under similar circumstances this court disposed of W.P.No.6082 of 1988 dated 9-4-1993 and W.P.No.14493 of 1995 dated 5-4-1996 and directed the respondent to ignore the period of absence and count the said period of absence for the purpose of seniority since the petitioners therein were all casual labours. Therefore, the petitioner is also entitled for the same relief.

Sri B. Siva Reddy, learned counsel for the respondent has drawn the attention of this court to paragraph 5 of the counter affidavit filed by the respondent wherein it was stated that in the cases, which were decided by this court, the petitioners therein were absented for 6½ months on medical grounds and produced medical certificates and as such this court held that the period of absence cannot be treated as unauthorized.

On a perusal of the record it is evident that the petitioner has not produced any such certificate. Be that as it may, without allowing the respondent to consider the representation of the petitioner as per the procedure prescribed by law and as per the circular instructions in force in the department, such a dispute cannot be resolved straightaway in this writ petition. Therefore, it would be suffice to direct the petitioner to make a detailed representation before the respondent ventilating her grievances and drawing the attention of the authorities to the judgment of this court within a period of one month from the date of receipt of a copy of this order and seek for condonation of absence as continuity of service for the purpose of seniority. On such representation being filed, the respondent is directed to consider the same in accordance with law within a period of three months from the date of receipt of such representation from the petitioner.

The Writ Petition, with the above observations, and directions, is disposed of. No costs.

C.V. Ramulu, J.

11th November, 2004

Js

To

1 The Registrar Acharya N.G.Ranga Agricultural University
Rajendranagar, Hyderabad.

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